



City of Dublin

Office of the City Manager

5200 Emerald Parkway • Dublin, OH 43017-1090

Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager */mac*

Date: June 27, 2014

Initiated By: Paul A. Hammersmith, PE, Director of Engineering/City Engineer
Kenneth B. Richardson, PE, Engineering Manager - Design
Philip K. Hartmann, Assistant Law Director

Re: Ordinance 72-14 - Authorizing the City Manager to execute necessary conveyance documents to acquire a 0.045 acre, more or less, permanent easement; and a 0.046 acre, more or less, temporary easement from Thomas A. McDowell, Individually and Thomas A. McDowell, Trustee, at the property located at the corner of Frantz Road and Rings Road for the relocation of overhead utilities underground along Frantz Road, and declaring an emergency.

Background

The City of Dublin (the "City") will be relocating overhead electric and telecommunications utility lines underground along Frantz Road, between Rings Road and Metro Place South (the "Project"). The Project will improve utilities and improve economic development.

Thomas A. McDowell, Individually and Thomas A. McDowell, Trustee, each with an undivided ½ interest, (the "Grantors") own property from which the City desires a permanent easement and a temporary easement. This property is identified as Franklin County Parcel No. 270-000076.

After engaging in amicable negotiations, the City has come to an agreement with the Grantors to acquire the necessary property interest, pursuant to the terms outlined in this memorandum. This Ordinance authorizes the settlement of the matter for its appraised value of Seven Thousand Nine Hundred Ten Dollars (\$7,910.00).

Acquisition

The City will be acquiring from the Grantors only the property interest necessary for the construction of the Project, as depicted in the legal description and depiction attached to this memorandum. The City will be acquiring this property interest for its appraised value. The acquisition is detailed below:

Franklin County Parcel No. 270-000076

Property Interest Acquiring	Description	Appraised Value
Permanent Easement	0.045 acre ±	\$6,750.00
Temporary Easement	0.046 acre ±	\$1,150.00
Improvement Valuation	Manhole and Cable Vault	\$10.00
Total		\$7,910.00

Recommendation

Ordinance No. 72-14 would authorize the City Manager to execute all necessary conveyance documentation to formally acquire the necessary property interest described above.

The Law Department recommends Council dispense with the public hearing and approve Ordinance 72-14 at the July 1, 2014 Council meeting in order to finalize settlement with Thomas A. McDowell, Individually and Thomas A. McDowell, Trustee, and continue moving forward with the Project.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

72-14

Ordinance No. _____

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTS TO ACQUIRE A 0.045 ACRE, MORE OR LESS, PERMANENT EASEMENT; AND A 0.046 ACRE, MORE OR LESS, TEMPORARY EASEMENT FROM THOMAS A. MCDOWELL, INDIVIDUALLY AND THOMAS A. MCDOWELL, TRUSTEE, AT THE PROPERTY LOCATED AT THE CORNER OF FRANTZ ROAD AND RINGS ROAD FOR THE RELOCATION OF OVERHEAD UTILITIES UNDERGROUND ALONG FRANTZ ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Dublin (the "City") will be relocating overhead electric and telecommunications utility lines underground along Frantz Road, between Rings Road and Metro Place South (the "Project"); and

WHEREAS, said Project requires that the City obtain certain property interest within Franklin County Parcel No. 270-000076 owned by Thomas A. McDowell, Individually and Thomas A. McDowell, Trustee, each with an undivided ½ interest, (the "Grantors"), said property interest more fully described and depicted in the Exhibit labeled "A," attached hereto; and

WHEREAS, the City and the Grantors participated in good faith discussions and have come to mutually agreeable terms for the acquisition of the necessary property interest for the appraised value of Seven Thousand Nine Hundred Ten Dollars (\$7,910.00); and

WHEREAS, the City desires to execute necessary conveyance documentation to complete the transaction between the City and the Grantors.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. The City Manager is hereby authorized to execute all necessary conveyance documentation to acquire a 0.045 acre, more or less, permanent easement, and a 0.046 acre, more or less, temporary easement for twelve (12) months, commencing on the date construction begins, from Thomas A. McDowell, Individually and Thomas A. McDowell, Trustee, each with an undivided ½ interest, for the appraised value of Seven Thousand Nine Hundred Ten Dollars (\$7,910.00), said property interest located within Franklin County Parcel No. 270-000076, and as more fully described and depicted in the attached Exhibit "A."

Section 2. This Ordinance is declared to be an emergency necessary for the immediate preservation of the public peace, health, safety or welfare, and for the further reason that obtaining the property interest is necessary for the advancement of this Project. This ordinance shall therefore take effect immediately upon passage.

Passed this _____ day of _____, 2014.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

EXHIBIT A

**PARCEL 7-P
PERMANENT UTILITY, GRADING, AND DRAINAGE EASEMENT
FROM
THOMAS A. MCDOWELL**

Situate in the State of Ohio, County of Franklin, City of Dublin, and being located in Virginia Military Survey No. 2419, and being a part of the 51.183 acre tract conveyed to Thomas A. McDowell (hereafter referred to as Grantor) by Limited Warranty Deed recorded as Instrument No. 200401300022262 in the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

COMMENCING at the intersection of the North Right of Way line of Rings Road and the East Right of Way line of Frantz Road as recorded in Instrument Number 200403010043771 in the Franklin County Recorder's Office and being the **TRUE POINT OF BEGINNING** of the herein conveyed easement;

THENCE with the East Right of Way line of said Frantz Road as conveyed to the County of Franklin as described in Deed Volume 3092, Page 492, **North 06° 31' 40" West** for a distance of **81.79 feet**;

THENCE through the Grantor's land the following three (3) courses:

- 1) **North 83° 28' 20" East** for a distance of **20.00 feet**;
- 2) **South 06° 31' 40" East** for a distance of **69.49 feet**;
- 3) **South 28° 09' 17" East** for a distance of **28.66 feet** to the North line of a Utility Easement conveyed to the City of Dublin as recorded in Instrument Number 200403010043772 in the Franklin County Recorder's Office;


THENCE with the North line of said City of Dublin Utility Easement, **South 85° 05' 23" West** for a distance of **14.21 feet** to the said North Right of Way line of Rings Road;

THENCE with the said North Right of Way of Rings Road, **North 56° 06' 40" West** for a distance of **21.49 feet BACK TO THE TRUE POINT OF BEGINNING**.

The above described parcel contains 0.045 acres. North based on GPS observations taken on project control.

This description was prepared in November 2013 under the direct supervision of William C. LeRoy, P.S., Ohio License Number 7664, and is based upon surveys performed by Burgess & Niple, Inc. beginning in October 2010.

Burgess & Niple, Inc.

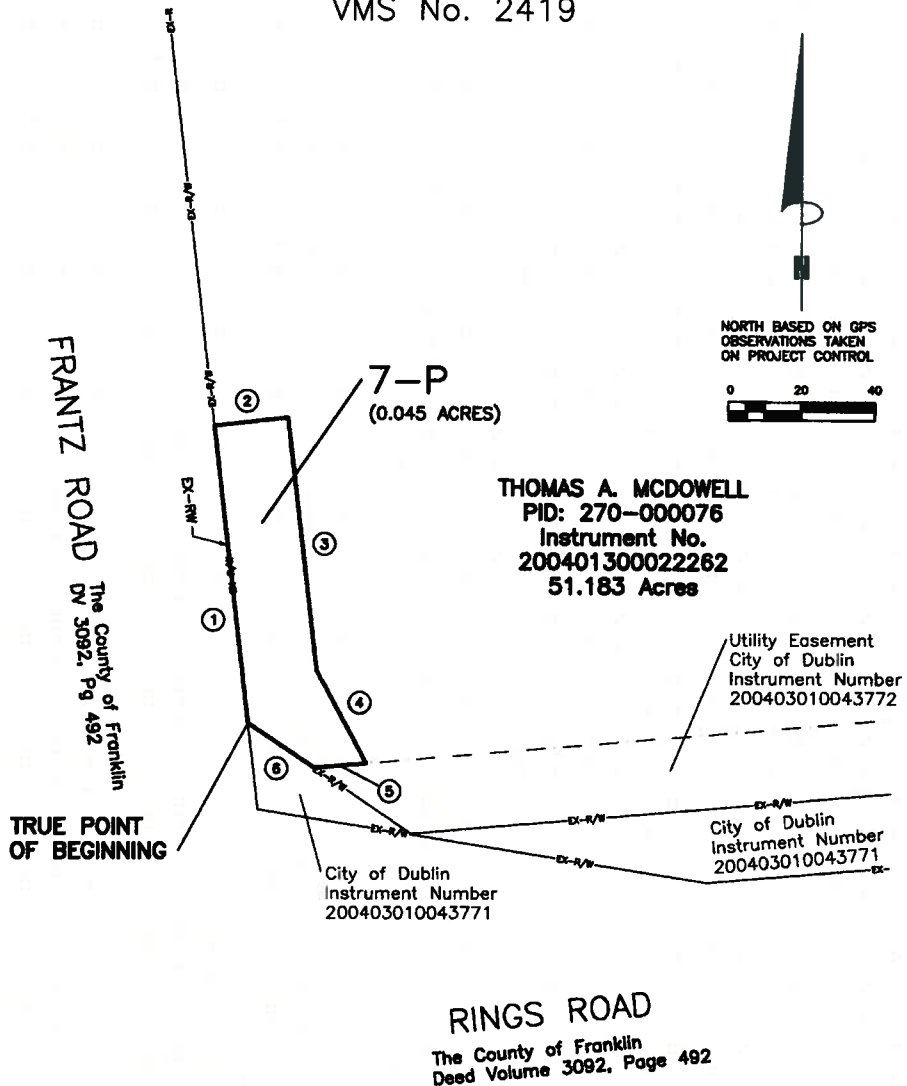

William C. LeRoy,
Registered Professional Surveyor No. 7664



12-23-2013
Date

EXHIBIT A PARCEL 7-P

State of Ohio, Franklin County, City of Dublin,
VMS No. 2419



1	N06° 31' 40"W	81.79'
2	N83° 28' 20"E	20.00'
3	S06° 31' 40"E	69.49'
4	S28° 09' 17"E	28.66'
5	S85° 05' 23"W	14.21'
6	N56° 06' 40"W	21.49'



ACREAGE BREAKDOWN
0.045 ACRES GROSS
0.000 ACRES (PRIOR EASEMENT OCCUPIED)

Burgess & Niple 5085 Reed Road, Columbus, Ohio 43220 (614) 469-2080		
Survey for: CITY OF DUBLIN		
Thomas A. McDOWELL		
SURVEY OF 0.045 Acres		
Dwg: WHW	Chk: WCL	12-17-13
Scale: SHOWN	Sht: 1 / 1	PR50708

EXHIBIT A

**PARCEL 7-T
TEMPORARY GRADING AND CONSTRUCTION EASEMENT
FROM
THOMAS A. MCDOWELL**

Situate in the State of Ohio, County of Franklin, City of Dublin, and being located in Virginia Military Survey No. 2419, and being a part of the 51.183 acre tract deeded to Thomas A. McDowell (hereafter referred to as Grantor) by Limited Warranty Deed recorded as Instrument No. 200401300022262 in the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

COMMENCING at the intersection of the North Right of Way line of Rings Road and the East Right of Way line of Frantz Road as recorded in Instrument Number 200403010043771 in the Franklin County Recorder's Office;

THENCE with the East Right of Way line of said Frantz Road as conveyed to the County of Franklin as described in Deed Volume 3092, Page 492, **North 06° 31' 40" West** for a distance of **81.79 feet** to the **TRUE POINT OF BEGINNING** of the herein conveyed easement;

THENCE continuing with the said East Right of Way line of Frantz Road, **North 06° 31' 40" West** for a distance of **15.00 feet**;

THENCE through the Grantor's land the following three (3) courses:

- 1) **North 83° 28' 20" East** for a distance of **35.00 feet**;
- 2) **South 06° 31' 40" East** for a distance of **81.62 feet**;
- 3) **South 28° 09' 17" East** for a distance of **32.23 feet** to the North line of an Utility Easement conveyed to the City of Dublin as recorded in Instrument Number 200403010043772 in the Franklin County Recorder's Office;

THENCE with the North line of said Utility Easement, **South 85° 05' 23" West** for a distance of **16.33 feet**;

THENCE through the Grantor's land the following three (3) courses:

- 1) **North 28° 09' 17" West** for a distance of **28.66 feet**;
- 2) **North 06° 31' 40" West** for a distance of **69.49 feet**;
- 3) **South 83° 28' 20" West** for a distance of **20.00 feet BACK TO THE TRUE POINT OF BEGINNING.**

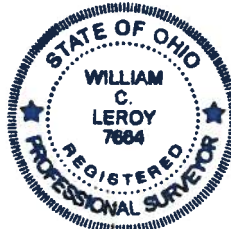
The above described parcel contains 0.046 acres. North based on GPS observations taken on project control.

This description was prepared in November 2013 under the direct supervision of William C. LeRoy, P.S., Ohio License Number 7664, and is based upon surveys performed by Burgess & Niple, Inc. beginning in October 2010.

Burgess & Niple, Inc.



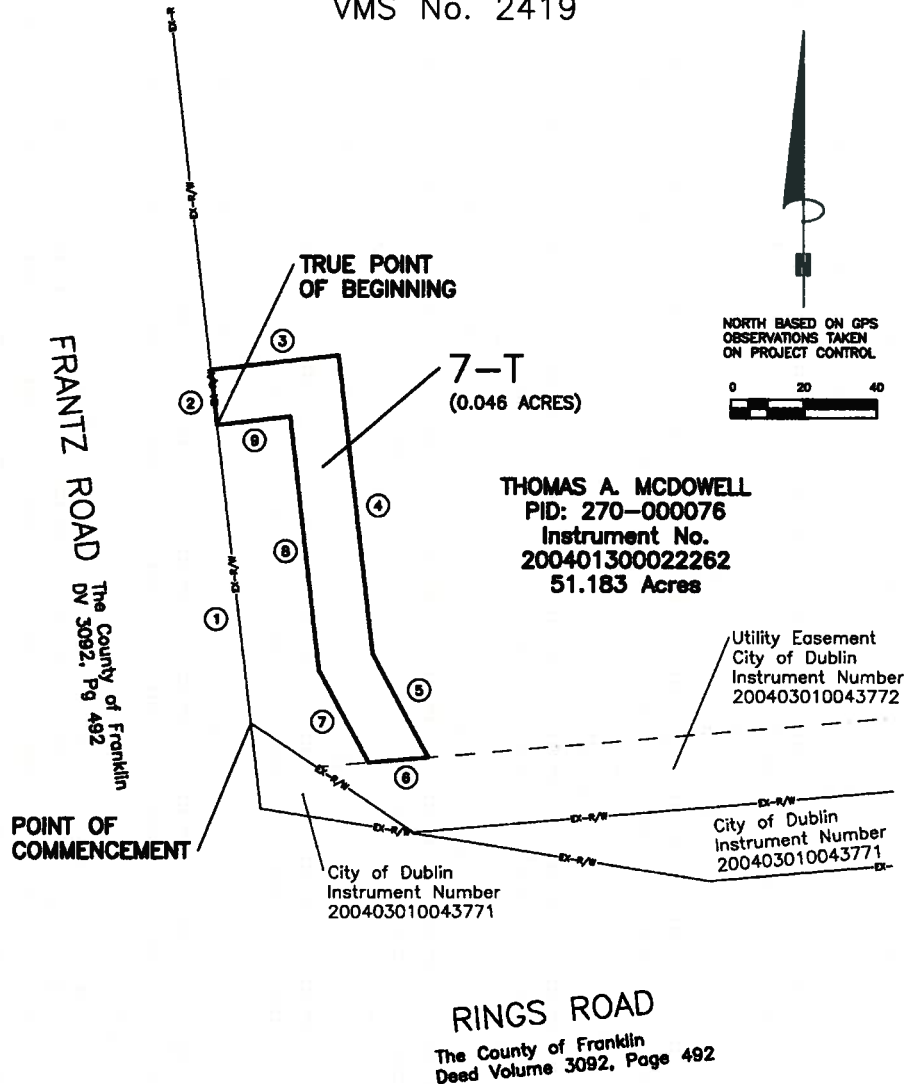
William C. LeRoy,
Registered Professional Surveyor No. 7664



12-23-2013
Date

EXHIBIT A PARCEL 7-T

State of Ohio, Franklin County, City of Dublin,
VMS No. 2419



1	N06° 31' 40"W	81.78'
2	N06° 31' 40"W	15.00'
3	N83° 28' 20"E	35.00'
4	S06° 31' 40"E	81.82'
5	S28° 09' 17"E	32.23'
6	S85° 05' 23"W	16.33'
7	N28° 09' 17"W	28.86'
8	N06° 31' 40"W	69.48'
9	S83° 28' 20"W	20.00'



12-23-2013

Burgess & Niple 5085 Reed Road, Columbus, Ohio 43220 (614) 469-2050		
Survey for: CITY OF DUBLIN		
Thomas A. McDOWEL		
SURVEY OF 0.046 Acres		
Dwg: WHW	Chk: WCL	12-17-13
Scale: SHOWN	Sht: 1 / 1	PR50708